Los Angeles County Sheriff's Department

Supervisor's Report on Use of Force

Incident Information

URN: 914 - 02668 - 0456 - 091 | Date: 02/26/14 | Time: 1505 hours

Location: [redacted] Hayford Street | City or Station: Norwalk

Bureau/Station/Facility: South Patrol Division/ Norwalk Station | Admin. Investigation: ( ) YES (•) NO

Type of Force: Takedown, Personal Weapons (Fists, Knee), Resisted Handcuffing, Control Holds

Incident Category: ( ) 1 ( ) 2 (•) 3 | Deputy Injury: (•) YES ( ) NO | Suspect Injury (•) YES ( ) NO

[ ] Call [X] Observation [ ] Detail | [ ] Foot Pursuit [X] Vehicle Pursuit

IAB Notified: (•) YES ( ) NO | Person Notified: Sergeant T. Denison | Emp: 235143 | IAB Roll Out (•) YES ( ) NO

Involved Employee

E1

Employee #: [redacted] | Last Name: [redacted] | First Name: [redacted] | Middle I.: [redacted] | Rank: [redacted]

Sex: [redacted] M [redacted] F | Race: [redacted] | Height: [redacted] | Weight: [redacted] | Age: [redacted] | Shift: [redacted] EM [redacted] Day [redacted] PM | [redacted] Regular Shift [redacted] OT Shift [redacted] Off Duty

Unit of Assignment: [redacted] | Work Assignment (Unit #, Module, etc.): [redacted]

Individual Force Used: Takedown, Personal Weapons, Resisted Handcuffing | ( ) Directed ( ) Rescue ( ) Medical Assist | Individual Category [redacted] 1 [redacted] 2 [redacted] 3

[X] Injured [ ] Treated [ ] Admitted | Facility: Healthpointe Medical Center | Coroner Case #

E2

Employee #: [redacted] | Last Name: [redacted] | First Name: [redacted] | Middle I. | Rank: B-1

Sex: (•) M ( ) F | Race: H | Height: 506 | Weight: 165 | Age: [redacted] | Shift: ( ) EM (•) Day ( ) PM | (•) Regular Shift ( ) OT Shift ( ) Off Duty

Unit of Assignment: Norwalk | Work Assignment (Unit #, Module, etc.): 43D

Individual Force Used: Personal Weapon (Knee), Control Holds, Resist. Handcuff | ( ) Directed ( ) Rescue ( ) Medical Assist | Individual Category ( ) 1 (•) 2 ( ) 3

[ ] Injured [ ] Treated [ ] Admitted | Facility: | Coroner Case #

E3

Employee #: [redacted] | Last Name: [redacted] | First Name: [redacted] | Middle I.: [redacted] | Rank: DSG

Sex: (•) M ( ) F | Race: A | Height: 511 | Weight: 190 | Age: [redacted] | Shift: ( ) EM ( ) Day (•) PM | (•) Regular Shift ( ) OT Shift ( ) Off Duty

Unit of Assignment: Norwalk | Work Assignment (Unit #, Module, etc.): 45D3

Individual Force Used: Resisted Handcuffing | ( ) Directed ( ) Rescue ( ) Medical Assist | Individual Category (•) 1 ( ) 2 ( ) 3

[ ] Injured [ ] Treated [ ] Admitted | Facility: | Coroner Case #

On Duty Supervisor [ ] Additional Involved Employees

Emp #: [redacted] | Last Name: Miles | First Name: Grady | Middle I.: F | Rank: Sgt. | Present: YES ( ) NO (•) | Witness to Incident: YES ( ) NO (•)

Supervisor Completing Investigation

Emp #: [redacted] | Last Name: Fleischmann | First Name: Joseph | Middle I.: N. | Rank: Sgt. | Present: YES ( ) NO (•) | Witness to Incident: YES ( ) NO (•)

Watch Commander / Supervising Lieutenant

Emp #: [redacted] | Last Name: Skeen | First Name: Jason | Middle I.: A. | Rank: Lt

Watch Commander / Supervising Lieutenant's **Signature**: | Date | Copy Provided to Employee by: | Emp #:

Captain Curtis Jensen

Unit Commander **(Print Name)** | Unit Commander's **Signature**: | Emp #: | Date

DISCOVERY Use Only
FO# 2350975

[X] PPI REVIEW COMPLETED

Original: Discovery Unit
Copy: Unit Commander

SH-R-438P (Rev. 01/13)

Supervisor's Report on Use of Force
SUSPECT INFORMATION

9 1 4 - 0 2 6 6 8 - 0 4 5 6 - 0 9 1

Suspect Information

S 1

Last Name: Magallanes	First Name: Luis	Middle Name: Zayas	Armed? Select: Not Armed
AKA Last Name: Zayas	First Name: Luis	Middle Name: Magallanes	

Sex	Race	Age	Height	Weight	D.O.B.	Phone #1: ○ H ○ W ○ C	Phone #2: ○ H ○ W ○ C
(●) Male ○ Female	H	25	511	185	12/05/88	None	None

Street Address: [redacted] City: [redacted] State & Zip Code: [redacted]

Booking #: 3877195 Primary Charge Code: 459PC Secondary Charge Code: 69 PC [redacted] Criminal History

Treated on Scene? (●) YES ○ NO Name: Los Angeles County Fire Unit: Station 20 Phone #: (562) 863-0214

Hospital Admission? ☐ Rec'd Treatment At: Coast Plaza Hospital Coroner Case #: ______ Mental History ☐ User's guide provides direction on this entry

By: Doctor Cole Address: 13100 Studebaker Road Norwalk Phone #: (562) 868-3751

Under Influence: ○ YES (●) NO Substance: None 5150 a factor in force? ○ YES (●) NO User's guide provides direction on this entry

Suspect Interview

Date: 02/26/2014 Time: 2130 ☒ Audiotape: ☐ Videotape: ☒ Photos of Injuries: ☐ ADMITS HEARING ANNOUNCEMENTS

Suspect Information

S __

Last Name:	First Name:	Middle Name:	Armed? Select:
AKA Last Name:	First Name:	Middle Name:	

Sex	Race	Age	Height	D.O.B.	Weight	Phone #1: ○ H ○ W ○ C	Phone #2: ○ H ○ W ○ C
○ Male ○ Female							

Street Address: City: State & Zip Code:

Booking #: Primary Charge Code: Secondary Charge Code: ☐ Criminal History

Treated on Scene? ○ YES ○ NO By: ______ Unit: ______ Phone #: ______

Hospital Admission? ☐ Rec'd Treatment At: ______ Coroner Case #: ______ Mental History ☐ User's guide provides direction on this entry

By: ______ Address: ______ Phone #: ______

Under Influence: ○ YES ○ NO Substance: ______ 5150 a factor in force? ○ YES ○ NO User's guide provides direction on this entry

Suspect Interview

Date: Time: ☐ Audiotape: ☐ Videotape: ☐ Photos of Injuries: ☐ ADMITS HEARING ANNOUNCEMENTS

Suspect Information

S X

Last Name:	First Name:	Middle Name:	Armed? Select:
AKA Last Name:	First Name:	Middle Name:	

Sex	Race	Age	Height	D.O.B.	Weight	Phone #1: ○ H ○ W ○ C	Phone #2: ○ H ○ W ○ C
○ Male ○ Female							

Street Address: City: State & Zip Code:

Booking #: Primary Charge Code: Secondary Charge Code: ☐ Criminal History

Treated on Scene? ○ YES ○ NO By: ______ Unit: ______ Phone #: ______

Hospital Admission? ☐ Rec'd Treatment At: ______ Coroner Case #: ______ Mental History ☐ User's guide provides direction on this entry

By: ______ Address: ______ Phone #: ______

Under Influence: ○ YES ○ NO Substance: ______ 5150 a factor in force? ○ YES ○ NO User's guide provides direction on this entry

Suspect Interview

Date: Time: ☐ Audiotape: ☐ Videotape: ☐ Photos of Injuries: ☐ ADMITS HEARING ANNOUNCEMENTS

☐ **Additional Suspects Involved**

Supervisor's Report on Use of Force
EMPLOYEE / NON-EMPLOYEE INFORMATION

9 1 4 - 0 2 6 6 8 - 0 4 5 6 - 0 9 1

Employee Witnesses

Emp. #	Last Name	First Name	Middle Name

Unit of Assignment:	Work Assignment (Unit #, Module, etc.):	Shift: ◯ EM ◯ Day ◯ PM	◯ Regular ◯ OT ◯ Off Duty

Emp. #	Last Name	First Name	Middle Name

Unit of Assignment:	Work Assignment (Unit #, Module, etc.):	Shift: ◯ EM ◯ Day ◯ PM	◯ Regular ◯ OT ◯ Off Duty

Emp. #	Last Name	First Name	Middle Name

Unit of Assignment:	Work Assignment (Unit #, Module, etc.):	Shift: ◯ EM ◯ Day ◯ PM	◯ Regular ◯ OT ◯ Off Duty

Non-Employee Witnesses

Last Name	First Name	Middle Name	Age	D.O.B.
[redacted]	[redacted]	[redacted]	14	[redacted]

Street Address	City	Zip Code	Phone #1	Phone #2
[redacted]	[redacted]	[redacted]	[redacted]	

Last Name	First Name	Middle Name	Age	D.O.B.
[redacted]	[redacted]	[redacted]	64	[redacted]

Street Address	City	Zip Code	Phone #1	Phone #2
[redacted]	[redacted]	[redacted]	[redacted]	

Last Name	First Name	Middle Name	Age	D.O.B.
[redacted]	[redacted]	[redacted]	93	[redacted]

Street Address	City	Zip Code	Phone #1	Phone #2
[redacted]	[redacted]	[redacted]	[redacted]	

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Phone #1	Phone #2

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Phone #1	Phone #2

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Phone #1	Phone #2

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Phone #1	Phone #2

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Phone #1	Phone #2

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Phone #1	Phone #2

☐ **Additional Witness**

Supervisor's Report on Use of Force

914 - 02668 - 0456 - 091

Method

(AW) Arwen
(BC) Baton: (Control)
(BI) Baton: (Impact)
(BF) Bodily Fluids
(CN) Canine
(CR) Carotid Restraint
(CH) Choke Hold
(CT) Control Holds: (Control Techniques)
(TT) Control Holds: (Team Takedown)
(TD) Control Holds: (Takedown)
(CE) Chemical
(OC) Chemical Agents (OC Spray)
(TG) Chemical Agents (Tear Gas)
(EX) Explosives
(FH) Firearm (Handgun)
(FR) Firearm (Rifle)
(FS) Firearm (Shotgun)
(FO) Firearm (Other)
(FB) Flashbang
(FL) Flashlight
(OE) Other Weapon: Edged
(OV) Other Weapon: Vehicle
(OB) Other Weapon: Blunt Object
(OO) Other Weapon: Other
(PK) Personal Weapon: Feet/Leg: (Kick)
(PS) Personal Weapon: Feet/Leg: (Sweep)
(PH) Personal Weapon (Hand/Arm)
(PP) Personal Weapon (Push)
(PO) Personal Weapon (Other)
(RS) Resistance
(RO) Restraint Device (Other)
(RH) Restraint Device (Handcuffs)
(HB) Restraint Device: Hobble (Legs Only)
(TP) Restraint Device: Hobble (TARP)
(RE) Restraint Device: REACT Belt
(SP) Sap
(SH) Shield
(IR) Less Lethal Impact Round (other)
(SB) Sting Ball
(ST) Stun Bag
(TR) Taser
(UC) Uncooperative
(HR) High Risk

Type of Injury

(AB) Abrasion
(BR) Bruise
(BU) Burn
(CP) Complaint of Pain
(CO) Concussion
(DH) Death
(DI) Dislocation
(DB) Dog Bite
(FR) Fractures
(GS) Gunshot
(HB) Human Bite
(LC) Lacerations
(ND) Nerve Damage
(OD) Organ Damage
(PA) Paralysis
(PW) Puncture Wound
(SD) Soft Tissue Damage
(ST) Sprain/Twists
(UN) Unconscious
(RM) Refused Med Treatment
(NN) NONE

Body Part Involved

(AD) Abdomen
(AK) Ankle
(AR) Arm
(BK) Back
(BT) Buttocks
(CH) Chest
(EL) Elbow
(FA) Face
(FE) Feet
(FI) Fingers
(GE) Genitals
(GR) Groin
(HD) Hands
(HE) Head
(HI) Hip
(IN) Internal
(KN) Knees
(LE) Leg
(NK) Neck
(NO) Nose
(SH) Shoulder
(WR) Wrist

FORCE USED BY		FORCE USED AGAINST		Method (Code)	Type of Injury (Code)	Body Part (Code)
Name	E# or S#	Name	E# or S#			
Suspect Magallanes	S-1	Deputy [redacted]	E-1	PH	NN	
Deputy [redacted]	E-1	Suspect Magallanes	S-1	TD	NN	
Suspect Magallanes	S-1	Deputy [redacted]	E-1	PH	NN	
Deputy [redacted]	E-1	Suspect Magallanes	S-1	PH	FR	FA
Suspect Magallanes	S-1	Deputy [redacted]	E-1	RS	NN	
Deputy [redacted]	E-1	Suspect Magallanes	S-1	CT	NN	
Suspect Magallanes	S-1	Deputy [redacted]	E-1	PH		
Deputy [redacted]	E-1	Suspect Magallanes	S-1	PH	LC	FA
Deputy [redacted]	E-1	Suspect Magallanes	S-1	CT	NN	
Suspect Magallanes	S-1	Deputy [redacted]	E-1	PH	NN	SH
Deputy [redacted]	E-1	Suspect Magallanes	S-1	CT	NN	
Deputy [redacted]	E-2	Suspect Magallanes	S-1	CT	NN	LE
Deputy [redacted]	E-1	Suspect Magallanes	S-1	PH	AB	FA
Suspect Magallanes	S-1	Deputy [redacted]	E-1	PH	NN	
Suspect Magallanes	S-1	Deputy [redacted]	E-2	PK	NN	LE
Deputy [redacted]	E-2	Suspect Magallanes	S-1	PO	NN	CH
Suspect Magallanes	S-1	Deputy [redacted]	E-1	RS	NN	
Suspect Magallanes	S-1	Deputy [redacted]	E-2	RS	NN	
Deputy [redacted]	E-1	Suspect Magallanes	S-1	RH	NN	
Deputy [redacted]	E-2	Suspect Magallanes	S-1	RH	NN	
Deputy [redacted]	E-3	Suspect Magallanes	S-1	RH	NN	

INVESTIGATIVE SUMMARY

COUNTY OF LOS ANGELES
SHERIFF'S DEPARTMENT

INVESTIGATIVE SUMMARY

INCIDENT:	**Category Three Use of Force**
IAB FILE NUMBER:	**FO 2350975**
URN#:	**914-02668-0456-091**
DATE/TIME:	**February 26, 2014, 1505 Hours**
LOCATION:	[redacted] **Hayford Street, Norwalk**

OPENING STATEMENT

On February 26, 2014, Internal Affairs Bureau (IAB) investigators responded to Norwalk Sheriff Station regarding a category three use of force incident. Sergeant Joseph Fleischmann, Sergeant Sonja Bracken, and Acting Lieutenant, Sergeant Trent Denison were briefed regarding the circumstances of the incident. Sergeant Fleischmann was assigned the responsibility for the administrative review of the incident. The Office of Independent Review was notified and Attorney Julie Ruhlin declined to respond to the scene.

Note: **On July 15, 2014, IAB Sergeant Brian Godwin was assigned the responsibility of completing the administrative review of the use of force.**

SYNOPSIS

On Wednesday, February 26, 2014, Deputies [redacted] and Luis Molina were working in the City of Norwalk as unit 45D3. They ran the license plate of a black, 2005 Hyundai, Sports Utility Vehicle (SUV) driving in front of them. The vehicle returned as a confirmed stolen vehicle out of Norwalk Sheriff's Station **[Exhibit A]**. Within seconds of receiving the voiced stolen vehicle return from Sheriff's Communication Center (SCC), the stolen Hyundai stopped. The driver and the front passenger exited the vehicle. The driver fled on foot and the passenger, Suspect Luis Magallanes, ran around the front of the vehicle and re-entered it in the driver's seat.

Suspect Magallanes drove away in the stolen vehicle and the deputies initiated a vehicle pursuit. The pursuit lasted 27 seconds and ended a block and a half away from where the first suspect had run from the car.

At the terminus of the pursuit, Suspect Magallanes fled on foot, leaving a female passenger behind in the stolen car. A containment was established and Sheriff's K-9 responded. The first suspect, who fled from the stolen vehicle, was found and taken into custody without incident. After a search of the area, Suspect Magallanes was not located. As units were at the command post for a debriefing, a deputy was flagged down by a member of the public who told the deputy that Suspect Magallanes was hiding in the attic of her home. The deputy broadcasted the information he received, and with the help of assisting units, a containment was re-established.

Deputies saw Suspect Magallanes running through the back yards of some houses on Hayford Street. They saw Suspect Magallanes kick in the back door and enter the residence at [redacted] Hayford Street **[Exhibit B]**. Deputies began to contain the residence, and a short time after entering the home, Suspect Magallanes exited the front door where he saw the containment deputies **[Exhibit C]**. Suspect Magallanes re-entered the residence and then ran out a side door **[Exhibit D]**.

Upon exiting the house, Suspect Magallanes ignored deputies' commands to stop and get on the ground. He ran north through the yard directly at Deputy [redacted]. Suspect Magallanes attacked Deputy [redacted] by swinging both fists at him. Deputy [redacted] saw Suspect Magallanes was off balance. He hooked his right arm under Suspect Magallanes' left shoulder and performed a takedown. Suspect Magallanes and Deputy [redacted] both fell to the ground during the maneuver. Deputy [redacted] landed on top of Suspect Magallanes, who was face up.

Deputy [redacted] attempted to turn Suspect Magallanes onto his stomach so he could handcuff him. Suspect Magallanes swung his right fist at Deputy [redacted] but the blow did not connect. Deputy [redacted] punched Suspect Magallanes several times on the right side of his face with both his fists. Deputy [redacted] tried to turn Suspect Magallanes over again, but Suspect Magallanes responded by punching Deputy [redacted] with his right fist. The punch missed Deputy [redacted]s head, but hit him on the left shoulder. Deputy [redacted] again punched Suspect Magallanes several times on the right side of his face with both his fists.

Suspect Magallanes continued his attempts to wildly buck Deputy [redacted] off him. Deputy [redacted] rolled Suspect Magallanes onto his stomach in order to handcuff him. Once on his stomach, Suspect Magallanes pushed up with his right arm and swung it at Deputy [redacted] striking him on the left shoulder. Deputy [redacted] responded by punching Suspect Magallanes several times on the right side of the face with both his fists. Deputy [redacted] who had just arrived, attempted to control Suspect Magallanes' legs by using his hands to control the calf area. Suspect Magallanes kicked Deputy [redacted] with his right leg and struck Deputy [redacted] on his left leg. Deputy [redacted] kneed Suspect

Magallanes once in Suspect Magallanes' right torso area with his right knee as he kneeled next to Suspect Magallanes.

Deputy [redacted] saw Suspect Magallanes was bleeding from a cut above the right eye and from his nose. After the last series of punches, Deputy [redacted] was able to gain control of his left arm, while Deputy [redacted] controlled Suspect Magallanes' right arm. As the two deputies held Suspect Magallanes' hands behind his back, Deputy [redacted] handcuffed him.

Suspect Magallanes was transported to Coast Plaza Hospital and examined by Doctor Adolphus Cole. He was found to have fractured a facial bone. He was issued an "Okay to Book." Suspect Magallanes was subsequently booked at Norwalk Sheriff's Station on the indicated charges.

INVOLVED PERSONNEL AND EMPLOYEE WORK HISTORY

[redacted] – Deputy Sheriff, #[redacted]
South Patrol Division - Norwalk Sheriff's Station

Department Hire Date:	[redacted]
Date Assigned to Patrol:	[redacted]
Date Assigned to Norwalk Station:	[redacted]
Prior Founded Force Incidents:	[redacted]

[redacted] – Deputy Sheriff, #[redacted]
South Patrol Division - Norwalk Sheriff's Station

Department Hire Date:	August 19, 1998
Date Assigned to Patrol:	April 9, 2006
Date Assigned to Norwalk Station:	April 9, 2006
Prior Founded Force Incidents:	[redacted]

Danny Han – Deputy Sheriff, #[redacted]
South Patrol Division - Norwalk Sheriff's Station

Department Hire Date:	December 6, 2006
Date Assigned to Patrol:	February 3, 2013
Date Assigned to Norwalk Station:	February 3, 2013
Prior Founded Force Incidents:	[redacted]

SUSPECT INFORMATION

Luis Magallanes
Male, Hispanic, DOB: February 5, 1988, Booking #3877195, 5'11", 185 pounds
[redacted]
CII #[redacted] MAIN #[redacted] FBI #[redacted]

IAB NOTE: A copy of Suspect Magallanes' criminal history is included in this report [Exhibit E].

SUSPECT'S INJURIES

Suspect Magallanes was treated at the scene by paramedics for a laceration to the right eyebrow and then transported by radio car to Coast Plaza Hospital, in the City of Norwalk. He was examined and treated by Doctor Adolphus Cole at the hospital. A computerized tomography scan (CT) was conducted, which showed Suspect Magallanes sustained a right orbital fracture. He was released from the hospital with an "Okay to Book" and then booked on the indicated charges at Norwalk Sheriff's Station. For additional information, refer to the medical treatment paperwork **[Exhibit F]**.

DEPUTY PERSONNEL INJURIES

Deputy [redacted] suffered swelling to both wrists, with pain to the right wrist where he had undergone a previous surgery. He was removed from duty status for two days and returned to his normal duties since.

PHYSICAL EVIDENCE

No physical evidence was collected at the scene by IAB investigators. The scene was not held, there was no significant evidence at the location.

INVESTIGATOR'S OBSERVATIONS

The scene was not held in relation to this force incident. Sergeant Fleischmann took photographs of the scene. They are included in this case book **[Exhibit G]**.

WEAPONS USED BY DEPUTY PERSONNEL

Deputy [redacted] - Personal Weapons (Fists)

Deputy [redacted] - Personal Weapon (Knee)

Deputy [redacted] - None

WEAPONS USED BY SUSPECT MAGALLANES

Personal Weapons (Fists, and feet)

PROPERTY DAMAGE

Patrol car window, shattered, and window frame bent **[Exhibit H]**.

CRIMINAL INVESTIGATOR AND CHARGES FILED

Investigator:	Richard Torres, #[redacted] Detective, Operation Safe Streets Bureau
Charges Filed:	Resisting Arrest, 69 PC; Taking Vehicle Without Owner's Consent, 10851(a) VC; Evading a Peace Officer with Wanton Disregard for Safety of Property or Persons, 2800.2(a) VC
Court:	Superior Court – Bellflower #VA134093
Criminal History:	[redacted]
Other:	Active "Peaceful Barrio Norwalk" gang member, moniker of "Flaco"

LIGHTING AND WEATHER CONDITIONS

The incident occurred during daylight hours. The weather was clear and dry.

SCENE DESCRIPTION

[redacted] Hayford Street is a single story, single family residence with a detached garage and is located on a [redacted] lot. The property has a low chain link fence surrounding the front and west facing portion of the house and garage. The fencing has black sun shade covering it on the west side only. The force incident took place between the driveway and rear portion of the house on a dirt patch/grass area.

WITNESS STATEMENTS

The following narratives are intended only as a synopsis of the interviews. Additional information and precise wording may be obtained by reviewing the digitally audio recorded interviews and verbatim transcriptions. IAB investigators reviewed the reports authored by the involved deputies and determined they were consistent with their IAB Administrative Force Review interviews.

DEPUTY [redacted]

Deputy [redacted] authored a Supplemental Report **[Exhibit I]** *regarding his actions and observations. Two photographs* **[Exhibit J]** *of the incident scene were used during Deputy [redacted]'s IAB interview to establish the location of occurrence of the incident.*

On April 21, 2014, Deputy [redacted] was interviewed by IAB Sergeants Joseph Fleischmann and Trent Denison at the IAB office. Deputy [redacted] chose not to have a representative present during the interview.

Deputy [redacted] stated that on February 26, 2014, he was at a debriefing which followed a containment for two vehicle theft suspects. He heard, via radio, that the outstanding suspect was seen nearby. Deputy [redacted] drove to Horst Avenue and Nava Street, in the City of Norwalk. As he exited his patrol vehicle, he saw Suspect Magallanes run across the yard at [redacted] Hayford Street and up to the rear door of the residence. Deputy [redacted] entered the yard as Suspect Magallanes kicked in the rear door, but before he could intervene, Suspect Magallanes had entered the house. Deputy [redacted] took up a containment position to the rear of the location with Deputy [redacted] A few seconds later, Deputy [redacted] heard deputies ordering the suspect to lie down on the ground. The orders were coming from the front of the house. Deputy [redacted] believed Suspect Magallanes had exited the front door of the residence and was being taken into custody by other deputies, so he re-holstered his duty weapon and began to exit the yard via the driveway gate.

Deputy [redacted] saw Suspect Magallanes run out of the side door of the residence, directly toward him. Suspect Magallanes attacked Deputy [redacted] by swinging his left and right fists at him. The attack was so sudden, Deputy [redacted] was unable to make a radio broadcast. Deputy [redacted] was able to get his right arm under Suspect Magallanes' left shoulder blade and take him down to the ground. Suspect Magallanes fell, landing face up, and Deputy [redacted] landed on top of him.

Deputy [redacted]s right arm was still intertwined with Suspect Magallanes' left arm. He tried to turn Suspect Magallanes over onto his stomach so he could handcuff him, but Suspect Magallanes swung his right fist at Deputy [redacted] missing him. Deputy [redacted] punched Suspect Magallanes three or four times to the right side of the face with his left and right fists. Deputy [redacted]s punches appeared to momentarily stop Suspect Magallanes' attack.

Deputy [redacted] tried to turn Suspect Magallanes over onto his stomach by grabbing his left arm, but Suspect Magallanes resisted. Deputy [redacted] ordered Suspect Magallanes to stop fighting, but Suspect Magallanes swung his right fist at Deputy [redacted]s head, striking him on the left shoulder. At this time, Deputy [redacted] was straddling Suspect Magallanes at waist level, as Suspect Magallanes faced him. Deputy [redacted] responded to Suspect Magallanes' attack by punching him three or four more times on the right side of his face. The punches to Suspect Magallanes had some effect on him, but Suspect Magallanes continued to struggle violently by moving from side to side and trying to buck Deputy [redacted] off. Suspect Magallanes was apparently tiring and

Deputy [redacted] was able to grab Suspect Magallanes' left arm and flip him onto his stomach.

Deputy [redacted] grabbed Suspect Magallanes' left arm and planned to bring it around behind his back to handcuff him. Suspect Magallanes propped himself up on his right arm, pushed up, and swung at Deputy [redacted] with his right arm. This blow landed on Deputy [redacted] s left shoulder and Deputy [redacted] responded with several more punches to the right side of Suspect Magallanes' face. At this time, he was able to handcuff Suspect Magallanes with the help of Deputies [redacted] and [redacted]. They then escorted Suspect Magallanes to a patrol car.

Deputy [redacted] noticed that Suspect Magallanes had redness to his face, a bloody nose, and a cut over his left eye. Sergeant Miles arrived shortly afterwards and paramedics arrived a few minutes later to examine Suspect Magallanes.

DEPUTY [redacted]

Deputy [redacted] authored a supplemental Report **[Exhibit K]** *regarding his actions and observations. Two photographs* **[Exhibit L]** *of the incident scene were used during Deputy [redacted] IAB interview to establish the location of occurrence.*

On April 24, 2014, Deputy [redacted] was interviewed by IAB Sergeants Joseph Fleischmann and Trent Denison at the IAB office. Deputy [redacted] chose not to have a representative present during the interview.

Deputy [redacted] stated that on February 26, 2014, he responded to the area of [redacted] Hayford Street, in the City of Norwalk, at the conclusion of a vehicle pursuit of a stolen vehicle. Deputy [redacted] drove to Horst Avenue between Nava Street and Hayford Street and exited his patrol car. He saw Suspect Magallanes run up to the rear door of the house located at [redacted] Hayford Street. Deputy [redacted] commanded Suspect Magallanes to stop, but he ignored the command and kicked open the door and entered the house. Deputy [redacted] saw Deputy [redacted] enter the yard. Deputy [redacted] ran towards the front of the house in case Suspect Magallanes exited. Suspect Magallanes exited the side door and Deputy [redacted] attempted to detain him at gunpoint. Suspect Magallanes ignored Deputy [redacted] commands and ran north through the yard.

Deputy [redacted] saw Suspect Magallanes run at Deputy [redacted] swinging both fists, trying to hit Deputy [redacted]. Deputy [redacted] ran north along the sidewalk towards the area Suspect Magallanes and Deputy [redacted] were located, so he could enter the yard through the driveway gate. Deputy [redacted] lost sight of Deputy [redacted] and Suspect Magallanes for a few seconds. As Deputy

[redacted] began to enter the yard, he saw Deputy [redacted] and Suspect Magallanes fall to the ground.

Deputy [redacted] heard Deputy [redacted] yelling at Suspect Magallanes to stop resisting. Deputy [redacted] also yelled at Suspect Magallanes to stop resisting. Suspect Magallanes was face down on the ground. Deputy [redacted] tried to control Suspect Magallanes' legs by grabbing onto his calves, but he was unable to, as Suspect Magallanes was violently "flailing" his legs back and forth. Suspect Magallanes kicked Deputy [redacted] in the left leg with his right leg. Because Suspect Magallanes was not heeding his commands to stop resisting, had just kicked him on the leg, and in fear he would get kicked in the face, Deputy [redacted] kneed him once in the right rib/torso area with his right knee. The knee strike had an apparent effect on Suspect Magallanes, as he stopped kicking, which allowed Deputy [redacted] to control his legs by using his body weight on top of them.

Deputy [redacted] grabbed hold of Suspect Magallanes' right arm and maintained control of it while either Deputy [redacted] or Deputy [redacted] controlled the left arm. He saw Deputy [redacted] apply the handcuffs to Suspect Magallanes' wrists. Suspect Magallanes was placed in the rear seat of a nearby patrol car. Soon after, he heard the sound of a window breaking and saw that Suspect Magallanes had kicked out a window of the patrol car.

DEPUTY [redacted]

Deputy [redacted] authored a Supplemental Report **[Exhibit M]** *regarding his actions and observations. One photograph* **[Exhibit N]** *of the incident scene was used during Deputy [redacted]s interview to establish the location of occurrence.*

On April 24, 2014, Deputy [redacted] was interviewed by IAB Sergeants Joseph Fleischmann and Trent Denison at the IAB office. Deputy [redacted] chose not to have a representative present during the interview.

Deputy [redacted] stated he was working with his partner Deputy Luis Molina on February 26, 2014. Deputy [redacted] was the bookman and Deputy Molina was driving. They were in a marked patrol vehicle. As they were driving east on Lowemont Street, in the City of Norwalk, Deputy [redacted] ran the license plate of a 2005 Hyundai SUV traveling in front of them. The return showed that the Hyundai was a confirmed stolen vehicle out of Norwalk Sheriff's Station. Deputy [redacted] began to broadcast over the radio that they were code 9 on a stolen vehicle, but the Hyundai suddenly came to a stop. The front driver and front passenger doors opened. The driver exited the Hyundai and ran northbound through some houses.

> **IAB note: Although Deputy [redacted] said he used his radio to broadcast he was code-9 on the stolen Hyundai, his statement**

conflicts with the radio traffic [Exhibit O], which indicates he broadcast he was in pursuit after receiving the verbal notification of the stolen vehicle via SCC.

Suspect Magallanes, who was the front seat passenger, exited the Hyundai from the right front passenger door and ran around the front of the Hyundai and re-entered it through the left driver's door. Suspect Magallanes drove off in the stolen Hyundai and Deputy [redacted] advised over the radio they were now in pursuit of the stolen Hyundai. He was not able to relay the information about the first suspect fleeing on foot while he continued his vehicle pursuit broadcast. For further information, refer to radio broadcast transcriptions **[Exhibit O]** and Vehicle Pursuit Evaluation Form **[Exhibit P]**.

At the terminus of the pursuit, Suspect Magallanes fled on foot. A female passenger was located in the rear of the Hyundai. Deputy [redacted] detained her and established a containment for the suspects via radio. The first suspect was located and apprehended inside the containment area almost immediately, but after approximately one hour, Suspect Magallanes was still outstanding.

The containment was broken down and it was announced that a debriefing was about to commence. At this time, a deputy broadcast via radio that the second suspect was in the area of [redacted] Hayford Street (about a block away from Deputy [redacted]s location). As the containment was re-established, Deputy [redacted] responded by foot to [redacted] Hayford Street where Suspect Magallanes was breaking into a house. As he neared the driveway gate, he saw Deputies [redacted] and [redacted] on top of Suspect Magallanes, who was lying face down on the ground. Deputy [redacted] was near the upper torso of Suspect Magallanes. Deputy [redacted] saw both deputies trying to get Suspect Magallanes' hands behind his back. As Deputy [redacted] approached, he saw the two deputies now had secured Suspect Magallanes' hands behind his back. Deputy [redacted] walked up and placed his handcuffs on Suspect Magallanes' wrists.

Suspect Magallanes was subsequently detained in the backseat of a patrol car at the location. Paramedics arrived approximately five minutes later to examine Suspect Magallanes.

DEPUTY LUIS MOLINA

Deputy Molina authored an Incident Report **[Exhibit Q]** *regarding his actions and observations. A map of the area of the pursuit* **[Exhibit R]** *was used during Deputy Molina's interview to establish the path of the pursuit.*

On October 15, 2014, Deputy Molina was interviewed by IAB Sergeants Brian Godwin and Chad Smeltzer at the IAB office. Deputy Molina was represented by Maureen Okwuosa from the law firm of Green & Shinee.

Deputy Molina said that on February 26, 2014, he was working as a uniformed patrol deputy in a marked patrol car. He was driving the patrol car and his partner, Deputy [redacted] was the passenger. While driving eastbound on Lowemont Street from Clarkdale Avenue, in the City of Norwalk, he saw a Hyundai SUV driving eastbound in front of him. His partner ran the license plate of the Hyundai via their Mobile Digital Computer. The return showed that the Hyundai was a confirmed stolen vehicle and SCC advised them of the same.

Deputy Molina activated his patrol car's red lights and siren to initiate a traffic stop. The stolen Hyundai accelerated briefly, but then came to a stop on Lowemont Street, just before Horst Avenue. The driver and front seat passenger of the stolen Hyundai exited the vehicle. The driver ran northbound on Horst Avenue, but the passenger, Suspect Magallanes, went around to the driver side of the Hyundai, entered the driver's seat and drove eastbound on Lowemont Street. Deputy Molina drove after the stolen Hyundai and Deputy [redacted] immediately broadcasted via radio that they were in pursuit.

Deputy Molina pursued the stolen Hyundai, for one block, eastbound on Lowemont Street to southbound Norwalk Boulevard. The stolen Hyundai turned westbound onto Nava Street, which is one block south of Lowemont Street. Deputy Molina continued to pursue the stolen Hyundai, until it stopped mid-block on Nava Street, between Norwalk Boulevard and Horst Avenue. Suspect Magallanes exited the Hyundai, running westbound on Nava Street and then northbound on Horst Avenue and out of view.

Deputy Molina stated the stolen Hyundai had reached a maximum of 40-45 miles per hour (in a 25 mile per hour zone) during the pursuit. There was no traffic during the pursuit (Lowemont Street and Nava Street are one-way streets).

Deputy Molina discovered that a female passenger was in the backseat of the stolen Hyundai. He detained her in the backseat of his patrol vehicle and Deputy [redacted] set up a containment of the area. Assisting units arrived approximately 30 seconds later. Sergeant Grady Miles arrived at the terminus of the pursuit and Deputy Molina told him about the details of the pursuit. The first suspect was captured in the containment, without incident. After approximately one hour, deputies were unable to locate Suspect Magallanes, and the containment was broken down.

A tactical debriefing of the incident was conducted immediately upon the ending of the containment. Approximately five minutes after the conclusion of the debriefing, a deputy broadcasted via radio that the second suspect was at [redacted] Hayford Street. A few minutes later, Deputy Molina responded to that address and saw that Suspect Magallanes had already been detained and was in the backseat of a radio car. He positively identified Suspect Magallanes as the second driver of the stolen Hyundai. He saw Suspect Magallanes being treated

by paramedics and then transported by other deputies to a hospital for an okay to book.

DEPUTY [redacted]

Deputy [redacted] *authored a Supplemental Report* **[Exhibit S]** *regarding his actions and observations.*

On October 15, 2014, Deputy [redacted] was interviewed by IAB Sergeants Brian Godwin and Chad Smeltzer at the IAB office. Deputy [redacted] was represented by Maureen Okwuosa from the law firm of Green & Shinee.

Deputy [redacted] stated that on February 26, 2014, he was working unit 45D1, at Norwalk Station. He could not remember if he was working alone or with a partner. He arrived at the intersection of Hayford Street and Horst Avenue. Suspect Magallanes was already being detained in the backseat of a patrol car at the location. He heard glass shatter and saw that Suspect Magallanes had kicked out the rear driver's side window of the patrol car. Suspect Magallanes was agitated and irritated.

> **IAB note: The Norwalk Sheriff's Station in-service for February 26, 2014, AM shift, shows Deputy [redacted] was working with Deputy German Ochoa.**

Deputy [redacted] stated that Sergeant Miles talked to Suspect Magallanes, walked him to another patrol car, and had him sit in the backseat of that car. Sergeant Miles directed Deputy [redacted] to put a hobble restraint on Suspect Magallanes **[Exhibit T]**. Deputy [redacted] applied the hobble restraint to Suspect Magallanes by tightening the hobble just under his knees and securing the loose end by closing it in the patrol car door. Deputy [redacted] said that Suspect Magallanes did not resist the application of the hobble restraint.

DEPUTY GERMAN OCHOA

On October 15, 2014, Deputy Ochoa was interviewed by IAB Sergeant Brian Godwin at Norwalk Sheriff's Station. Deputy Ochoa chose not to have a representative present during the interview.

Deputy Ochoa said he was working with Deputy [redacted] on February 26, 2014. He arrived at the intersection of Hayford Street and Horst Avenue regarding a stolen vehicle suspect who had run into a house near the location. He saw a suspect being detained in the backseat of a patrol car at the location. Deputy Ochoa heard the sound of a window of a patrol car being kicked out. The suspect in the patrol car complained about needing air. He saw Deputy [redacted] escort the suspect to another patrol car and then apply a hobble restraint right below the suspect's knees. He said the application of the hobble

restraint was not resisted by the suspect. Soon after the application of the hobble restraint, Deputies Ochoa and [redacted] left the location, to return to the station.

[redacted]

Field sergeant interview

On February 26, 2014, [redacted] was interviewed in front of her home, on video **[Exhibit U]**, by Norwalk Sergeant Miles. She said a suspect entered her house, saw her, and then exited the house. Ms. [redacted] then saw "police officers" around the suspect, who was on the ground.

IAB interview

On October 30, 2014, IAB Sergeant Brian Godwin conducted a telephone interview with Ms. [redacted]. She said that on the date of the incident, she was alone in her house when a suspect entered her house by kicking open the back door. She was standing in her living room and she met up with the suspect, whom she had never seen before. The suspect told her not to be scared and that he was not going to do anything to her. Ms. [redacted] told him to leave the house and he exited through the side door.

Ms. [redacted] heard deputies yelling at the suspect to get on the ground. She went to her kitchen window and saw the suspect fall to the ground. She saw approximately five deputies around the suspect, as he was on the ground. She saw two of the deputies holding down the suspect and one yelling at him. Ms. [redacted] believed she saw two male deputies kick the suspect approximately three times, possibly in the stomach area, but she was not sure because there were numerous deputies standing around him and she could not get a clear view. At that point, she walked to the living room of her house and called her [redacted] via telephone.

[redacted]

On October 30, 2014, IAB Sergeant Brian Godwin interviewed [redacted] at his home. Mr. [redacted] was standing in front of his house on the day of the incident. He saw helicopters and police near his house. Half an hour later, Mr. [redacted] saw a male Hispanic running and then hiding in some bushes. Ten or fifteen minutes later, the police found the suspect in the bushes. The suspect ran and went inside the house at [redacted] Hayford Street, which is [redacted] the street from his, through the rear door. He heard a girl screaming and then the same suspect exited the house through the side door, with his hands up. Four to six deputies told him to put his hands up and then the suspect walked to the garage door and got on his knees. Mr. [redacted] did not see what happened next because his view was blocked by a fence. Approximately three minutes

later, the deputies walked the suspect out to the street and put him inside a patrol car in front of his house. Soon after that, the suspect hit his head against the car window and broke it. He did not see any deputies using force on the suspect.

[redacted]

On October 30, 2014, IAB Sergeant Brian Godwin interviewed [redacted] at his home. [redacted] did not speak English, so his [redacted] acted as his interpreter. [redacted] said that on the day of the incident, he saw numerous police officers across the street at [redacted] Hayford Street. He did not see any suspect being arrested because there were so many people at the location.

SUSPECT LUIS MAGALLANES

On February 26, 2014, Suspect Luis Magallanes was interviewed by IAB Sergeants Joseph Fleischmann and Sonja Bracken at Norwalk Sheriff's Station. Prior to the interview, Suspect Magallanes had already been examined and treated for his injuries at Coast Plaza Hospital.

Suspect Magallanes stated he was exiting the side of a house on Hayford Street when a big white deputy grabbed him and "probably" four or five deputies threw him to the ground. He had his hands up, was trying to surrender, and had no weapons, but the deputies laughed and punched him in the face. Suspect Magallanes said he was only punched and not kicked or hit with any object. His ribs, side, and back hurt, he had a fractured bone in his eye, and his mouth hurt. Suspect Magallanes then said he hurt "everywhere."

Suspect Magallanes was placed in a patrol car with the air conditioning turned off and the windows all rolled up. He was in the patrol car for three or four minutes and then he kicked out the side window of the car because he was hot, needed air, and the deputies were not listening to him.

Suspect Magallanes said he had not used any medications or drugs, nor did he drink any alcohol on the day of the incident. He claimed to have only been hospitalized once when he was a child, for a broken right ankle. He was arrested "not that long ago" in Downey. On that occasion, he was injured when he "probably crashed" and his "brain was bleeding." Then the police let a dog bite him several times.

> **IAB NOTE: Records indicate Suspect Magallanes was arrested by the Downey Police Department on December 22, 2013. See Miscellaneous Documents for further.**